IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 23RD NOVEMBER 2007 / 2ND AGRAHAYANA 1929

Bail Appl..No. 7085 of 2007()

CRIME NO.410 OF 2007 OF KILIMANOOR POLICE STATION

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: PETITIONER/2ND ACCUSED (IN CUSTODY)

SHAJAHAN, B.S.MANZIL,
VALANCHERI, KILIMANOOR VILLAGE,
CHIRAYANKIZH TALUK.

BY ADV. SRI.K.C.ELDHO

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.7085 of 2007

Dated this the 23rd day of November, 2007

ORDER

Application for regular bail. The petitioner is the 2nd accused. He faces allegations under Section 376 I.P.C. An employee of his (he is a shop keeper) is the 1st accused. The crux of the allegations is that a 9 year old girl, a neighbour, was taken to a bathroom near her house and subjected to sexual intercourse initially by the 1st accused and immediately thereafter by the petitioner herein. The child went back to her house and complained to her grandmother of what had been done to her. On the same day, a complaint was filed before the police. Crime was registered. Investigation is in progress. The petitioner was promptly arrested and was produced before the Magistrate on 19.10.07. Investigation is in progress. The co-accused has already been arrested. He is also in custody.

2. The learned counsel for the petitioner submits that the allegations raised against the petitioner are totally false. The petitioner is an important functionary of the opposition party and false allegations are raised against him on account of political animosity. In these circumstances, the petitioner who has remained in judicial custody from 19.10.07 may now be enlarged on bail, it is prayed.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that all the indications point to

the complicity of the petitioner. It is idle to assume at this stage that such grave allegations were made merely on account of political animosity. There is nothing to show that the victim/her family and the petitioner are such important functionaries or interested in politics as to justify such a wild and false allegations against the petitioner, submits the learned Public Prosecutor .

4. Case diary has been placed before me. I have perused the same. I have considered the submissions made by the rival contestants. I am not persuaded to agree that the petitioner can be enlarged on bail at this stage. I find merit in the opposition by the learned Public Prosecutor. I agree with the learned Public Prosecutor that in a serious crime like this, the investigators are entitled to reasonable further time to complete the investigation.

5. This application for regular bail is, in these circumstances, dismissed, but with the observation that the petitioner shall be at liberty to move this Court for bail again at a later stage of the investigation - not, at any rate, prior to 01.12.2007. The investigators shall in the meantime make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

rtr/-